

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **BOARD OF ADJUSTMENT MEETING**

3
4 **Monday, December 10, 2007**

5 **6:30 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 250**
8

9 ***ATTENDANCE***

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11 **Board Members:**

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13 James Holtkamp, Chairman
14 Paul Throndsen
15 Debbie Tyler
16 Noor Ul-Hasan
17 Bob Wilde
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11 **City Staff:**

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13 Michael Black, Planning Director
14 Glenn Symes, Associate Planner
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19 **REGULAR MEETING**
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21 Chairman James Holtkamp called the meeting to order at 6:30 p.m.
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23 **1. Public Comment.**

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25 **2. Continued – Action Item – Variance Request – Bret Miller.**
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27 Chair Holtkamp reported that the last meeting was continued to allow staff time to get additional
28 information.
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30 (18:30:20) Associate Planner, Glenn Symes, reported that he obtained updated information on
31 the location of the easement. The easement recorded with the County was not accurate on the
32 ground. They actually dug down and found a pipe and determined the actual location. They
33 then revised the easement and recorded it. Now the easement actually reflected where it is on the
34 ground. The updated information was reflected in the packet of materials provided to the Board
35 Members. The information given to the Board with the last staff report was based on what was
36 recorded previously with the County. There was some discrepancy about how much room there
37 may have actually been between the property line and the easement. The findings supported the
38 applicant's claims at the last meeting.
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40 Mr. Symes showed a generalized area of the location of some of the 40% slope areas to give an
41 idea of what the lot actually looks like. He stated that the Planning Director designated the area
42 as a sensitive lands area. In looking at the official sensitive lands map, the property was not
43 included in it, however, because there were characteristics that are similar to that found in the
44 sensitive lands area, the Director had the option of declaring a lot a sensitive lands area. That
45 had been done. Certain areas would be off-limits for development.
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1 (18:34:00) Mr. Symes clarified that the action tonight did not involve approval of a site plan,
2 building permit, or driveway construction. It would allow the submittal of a proposed plan to the
3 Planning Department with a 10-foot setback as opposed to 20 feet.

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5 The applicant, Bret Miller, remarked that they approached the adjacent landowner and worked
6 out a shared driveway easement to allow them to access Danish Road with the proposed
7 driveway configuration. Originally, they showed it coming off of Danish Road but they had to
8 go through a revision process in order to meet the specifications of Metro Water.

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10 It was noted that different property owner names appeared on various drawings. Mr. Miller
11 stated that another gentleman was the owner of record and together they had a 50/50 partnership
12 in the project.

13
14 Chair Holtkamp invited public comment. There were no public comments.

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16 ***(18:37:27) Board Member Ul-Hasan moved to grant the proposed variance. Board Member***
17 ***Tyler seconded the motion.***

18
19 It appeared to Board Member Wilde that the area was predominantly residential with large lots.
20 If the variance were not granted it would probably remain a place for children in the
21 neighborhood to play but would not be developed. He was not certain that was in the best
22 interest of the City, the neighboring landowners, or the landowner. It appeared to him that unless
23 the change is made, there would be an unreasonable hardship that is not necessary to carry out
24 the general purpose of the land use ordinance. The general purpose was to allow residential
25 development in the area. Because of the grade and the right-of-way that exists, there were
26 special circumstances that don't generally apply to other properties in the same area. It seemed
27 to him that granting the variance would be essential to the enjoyment of a substantial property
28 right, which was the right to use the property for something other than vacant land. It did not
29 appear to him that the variance would substantially affect the general plan and would not be
30 contrary to the public interest. Granting the variance would be in keeping with the spirit of the
31 land use ordinance and substantial justice would be done. For that reason he would vote for the
32 motion.

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34 ***Vote on motion: Bob Wilde-Aye, James Holtkamp-Aye, Noor Ul-Hasan-Aye, Debbie Tyler-***
35 ***Aye, Paul Throndsen-Aye. The motion passed unanimously.***

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37 **3. Adjournment.**

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39 The Board of Adjustment Meeting adjourned at 6:43 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Board of Adjustment Meeting held Monday, December 10, 2007.*

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9 Teri Forbes
10 T Forbes Group, Inc.
11 Minutes Secretary

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13 Minutes approved: 1/10/08 sm